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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,479	03/01/2004	Gordon Rouleau	13693-26US CMB/AA/clb	7564
20988	7590	10/19/2007		
OGILVY RENAULT LLP 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			EXAMINER ZHOU, YONG	
			ART UNIT 4177	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/788,479

Applicant(s)

ROULEAU, GORDON

Examiner

Yong Zhou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Monot (US Patent No. 5,708,778).

Regarding claim 1, Monot teaches a method for configuring a local LAPB device in accordance with a remote LAPB device (automatic configuration... LAPB, col. 9, lines 38-39), said method comprising:

providing a received frame from said remote LAPB device (col. 2, lines 18-19);

when said received frame indicates that said remote LAPB device comprises a data terminal equipment (DTE), configuring said local LAPB device as a data computing equipment (DCE) (configuring... similar network devices, col. 1, lines 52-53; it is noted in the art that in LAPB, there is no master/slave relationship and LAPB session can be established by either the DTE or DCE. Therefore, the procedure of automatically configuring the DTE from the information received from the DCE also applies to configuring the DCE from the information received from the DTE, see col. 1, lines 61-64);

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when said received frame indicates that said remote LAPB device comprises a data computing equipment, configuring said local LAPB device as a data terminal equipment (col. 1, lines 61-64).

Regarding claim 2, Monot further teaches monitoring to detect an initiator for an asynchronous balanced mode provided by said remote LAPB device and when no initiator for asynchronous balanced mode is detected for a given period, providing said initiator for asynchronous balanced mode to said remote LAPB device (SABM/SABME, col. 10, line 1; it is noted in the art that the LAPB asynchronous balanced mode is initiated by the SABM/SABME frame).

Regarding claim 3, Monot further teaches that said monitoring to detect said initiator for an asynchronous balanced mode is performed during a given time limit (col. 7, line 6).

Regarding claim 4, Monot further teaches providing said given time limit (col. 7, line 6).

Regarding claim 5, Monot teaches a apparatus for configuring a local LAPB device in accordance with a remote LAPB device (automatic configuration... LAPB, col. 9, lines 38-39), said apparatus comprising:

a communication port (Fig. 2, #201) receiving a data signal originating from said remote LAPB device and providing at least one part of said data signal;

a memory (Fig. 2, #203) storing data identifying at least one of a data computing equipment and a data terminal equipment; and

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a processing unit (Fig. 2, #200) receiving said at least one part of said data signal, checking whether said at least one part of said data signal is indicative of one of a data computing equipment (DCE) and a data terminal equipment (DTE) using said data stored in said memory and providing a configuration signal to said local LAPB device (col. 1, lines 61-64);

wherein said configuration signal will configure said local LAPB device as a data computing equipment (DCE) in the case where the at least one part of the data signal is indicative of a data terminal equipment and further wherein said configuration signal will configure said local LAPB device as a data terminal equipment in the case where the at least one part of the data signal is indicative of a data computing equipment (configuring... similar network devices, col. 1, lines 52-53; it is noted in the art that in LAPB, there is no master/slave relationship and LAPB session can be established by either the DTE or DCE. Therefore, the procedure of automatically configuring the DTE from the information received from the DCE also applies to configuring the DCE from the information received from the DTE, see col. 1, lines 61-64).

Regarding claim 6, Monot further teaches that said communication port provides an initiator for an asynchronous balanced mode to said remote LAPB device in the case where no data signal is provided by said remote LAPB device (col. 10, line 1).

Regarding claim 7, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Regarding claim 8, Monot further teaches that said communication port is comprised in said local LAPB device (Fig. 2, #201).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onder (US Patent No. 4,975,910) teaches a method of operating a packet switching network and automatically adapting to parameters of the DTE/DCE.

4. Any Response to this Office should be **faxed** to (571) 273-8300 or **mailed to**:

Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

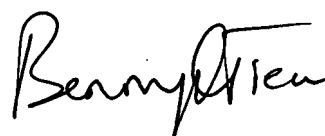
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Zhou whose telephone number is (571) 270-3451. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Q. Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YZ


BENNY Q. TIEU
SPE/TRAINER